

Stoddard, Jamey

From: Bicky_Corman/DC/USEPA/US%EPA@aa.ad.epa.gov
Sent: Tuesday, November 13, 2012 6:03 AM
To: Tony Guadagno
Subject: Fw: Chuitna coal update
Attachments: POA-2006-753_Chuitna SEIS Ltr.pdf; NARF Nondisclosure Letter- 11Oct12.pdf; email record of correspondence on subgroups..docx

Last of what I have from her.

From: Heather Kendall-Miller [kendall@narf.org]
Sent: 10/15/2012 01:34 PM PST
To: Bicky Corman; chase.joanne@epa.gov
Subject: FW: Chuitna coal update

From: Heather Kendall-Miller [<mailto:kendall@narf.org>]
Sent: Monday, October 15, 2012 1:14 PM
To: Kim Elton (Kim_Eltom@ios.doi); 'Geoff Haskett@fws.gov'
Cc: 'Raya Bakalov@ios.doi.gov'
Subject: Chuitna coal update

Joanne and Bicky,

First, let me thank you for the commitment of time and energy that you have offered to the Native Village of Tyonek on the Chuitna Coal development project. It was wonderful to meet with you and EPA Administrator Jackson directly and to hear her offer of support and technical assistance.

As mentioned at our meeting in D.C., the USACE has been hard-balling the Native Village of Tyonek by refusing to give us access to information on a timely basis and by refusing to allow the Tribe to have its representatives sit on various sub-groups that are in the process of developing important methodologies related to wetlands and fish. In early September FWS employee Phil Brna shared with the Tribe (among other cooperating party designees) a draft of the chapter on Functional Assessment Methodology that had been given a thirty day review period. Upon receipt of that draft I immediately wrote to project Manager, Marsha Heer, and requested that the Tribe be given the opportunity to review and weigh in with comments. Marsha told me that the Tribe had no "expertise" in the area and was not a part of the sub-committee for purposes of offering comment. I nonetheless hired an expert in the area of functional assessment methodology and submitted comments within the comment period.

Late Friday evening I received the attached letter of reprimand from USACE that threatens to remove the Tribe as a cooperating agency on the grounds that our actions violated the MOU. I was told by Phil Brna that FWS also received a similar letter of reprimand from USACE on Friday. I will be writing two response letters to the Corp, one from President Standifer to Colonel Lostochi regarding government-to-government consultation, and the other from myself to Project Manager Heer on the substance of the letter.

Given the USACE's continued hostile attitude to the Tribe, Administrator Jackson's willingness to assure that the Tribe has access to information and technical assistance is greatly appreciated.

Again, thank you both very much and I will be in contact on a regular basis.

Best,

Heather Kendall-Miller